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SENATE BILL 533

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO PUBLIC PROPERTY; PROVIDING FOR LOCAL PUBLIC BODIES  
TO HAVE THE FIRST RIGHT OF REFUSAL TO PURCHASE OR LEASE WHEN  
STATE PROPERTY IS BEING DISPOSED.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-6-2 NMSA 1978 (being Laws 1979,  
Chapter 195, Section 3, as amended) is amended to read:

"13-6-2. SALE OF PROPERTY BY STATE AGENCIES OR LOCAL  
PUBLIC BODIES--AUTHORITY TO SELL OR DISPOSE OF PROPERTY--  
APPROVAL OF APPROPRIATE APPROVAL AUTHORITY.--

A. Providing a written determination has been made,  
a state agency, local public body, school district or state  
educational institution may sell or otherwise dispose of real  
or tangible personal property belonging to the state agency,  
local public body, school district or state educational

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1 institution.

2 B. If a state agency proposes to sell or otherwise  
3 dispose of real property, the agency shall offer the property  
4 for right of first refusal to the political subdivision within  
5 which the property is located. If the political subdivision  
6 declines the offer, the agency may dispose of the property  
7 pursuant to Subsection C of this section.

8 [~~B.~~] C. A state agency, local public body, school  
9 district or state educational institution may sell or otherwise  
10 dispose of real property:

11 (1) by [~~negotiated sale~~] negotiation or  
12 donation to an Indian nation, tribe or pueblo located wholly or  
13 partially in New Mexico, or to a governmental unit of an Indian  
14 nation, tribe or pueblo in New Mexico, that is authorized to  
15 purchase land and control activities on its land by an act of  
16 congress or to purchase land on behalf of the Indian nation,  
17 tribe or pueblo;

18 (2) by [~~negotiated sale~~] negotiation or  
19 donation to other state agencies, local public bodies, school  
20 districts or state educational institutions;

21 (3) through the central purchasing office of  
22 the state agency, local public body, school district or state  
23 educational institution by means of competitive sealed bid,  
24 public auction or negotiated sale to a private person or to an  
25 Indian nation, tribe or pueblo in New Mexico; or

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1 (4) if a state agency, through the federal  
2 property assistance bureau of the general services department.

3 ~~[G-]~~ D. A state agency shall give the federal  
4 property assistance bureau of the general services department  
5 the right of first refusal to dispose of tangible personal  
6 property of the state agency. A school district may give the  
7 department the right of first refusal to dispose of tangible  
8 personal property of the school district.

9 ~~[D-]~~ E. Except as provided in Section 13-6-2.1 NMSA  
10 1978 requiring state board of finance approval for certain  
11 transactions, sale or disposition of real or tangible personal  
12 property having a current resale value of more than five  
13 thousand dollars (\$5,000) may be made by a state agency, local  
14 public body, school district or state educational institution  
15 if the sale or disposition has been approved by the state  
16 budget division of the department of finance and administration  
17 for state agencies, the local government division of the  
18 department of finance and administration for local public  
19 bodies, the public education department for school districts  
20 and the commission on higher education for state educational  
21 institutions.

22 ~~[E-]~~ F. Prior approval of the appropriate approval  
23 authority is not required if the tangible personal property is  
24 to be used as a trade-in or exchange pursuant to the provisions  
25 of the Procurement Code.

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1           ~~[F-]~~ G. The appropriate approval authority may  
2 condition the approval of the sale or other disposition of real  
3 or tangible personal property upon the property being offered  
4 for sale or donation to a state agency, local public body,  
5 school district or state educational institution.

6           ~~[G-]~~ H. The appropriate approval authority may  
7 credit a payment received from the sale of such real or  
8 tangible personal property to the governmental body making the  
9 sale. The state agency, local public body, school district or  
10 state educational institution may convey all or any interest in  
11 the real or tangible personal property without warranty.

12           ~~[H-]~~ I. This section shall not apply to:

- 13                   (1) computer software of a state agency;
- 14                   (2) those institutions specifically enumerated  
15 in Article 12, Section 11 of the constitution of New Mexico;
- 16                   (3) the New Mexico state police division of  
17 the department of public safety;
- 18                   (4) the state land office or the department of  
19 transportation;
- 20                   (5) property acquired by a museum through  
21 abandonment procedures pursuant to the Abandoned Cultural  
22 Properties Act;
- 23                   (6) leases of county hospitals with any person  
24 pursuant to the Hospital Funding Act;
- 25                   (7) property acquired by the economic

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1 development department pursuant to the Statewide Economic  
2 Development Finance Act; and

3 (8) the state parks division of the energy,  
4 minerals and natural resources department."

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